

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LARRY FREUDENBERG, Individually And On  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-8538 (RWS)

CLASS ACTION

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WILLIAM BOSTON, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-8808 (RWS)

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ROBERT D. THURMAN, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-9651 (RWS)

WENDY M. DAVIDSON, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-10400 (UA)

JOSHUA FERENC, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

Civil Action No. 07-cv-10540 (SHS)

**NOTICE OF MOTION OF THE KRISTEN-STRAXTON GROUP FOR  
CONSOLIDATION OF ALL RELATED CASES, APPOINTMENT OF LEAD  
PLAINTIFF AND APPROVAL OF THE SELECTION OF LEAD COUNSEL**

TO: All PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that Kristen Management Limited, Straxton Properties Inc. and Javed Fiyaz (collectively the "Kristen-Straxton Group") hereby move this Court on a date and at such time as may be designated by the Court, at 500 Pearl Street, New York, New York 10007, for an Order: (1) consolidating the above-captioned actions pursuant to Fed. R. Civ. P. 42; (ii) appointing the Kristen-Straxton Group as Lead Plaintiff pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a) *et seq.*; and (iii) approving the Kristen-Straxton Group's selection of Brower

Piven, A Professional Corporation, as Lead Counsel. In support of this Motion, the Kristen-Straxton Group submits herewith a Memorandum of Law, the Declaration of Elizabeth A. Schmid, Esq., and a [Proposed] Order.

Dated: December 3, 2007  
New York, New York

Respectfully submitted,

**BROWER PIVEN**  
A Professional Corporation

By: /s/ David A.P. Brower

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*Proposed Lead Counsel For  
the Kristen-Straxton Group  
and the Class*

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WENDY M. DAVIDSON, individually and on behalf of all others similarly situated,

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SIMMONS,

Defendants.

JOSHUA FERENC, individually and on behalf of all others similarly situated,

Civil Action No. 07-cv-10540 (SHS)

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E\*TRADE FINANCIAL CORPORATION,  
MITCHELL H. CAPLAN AND ROBERT J.  
SIMMONS,

Defendants.

#### CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2007, the I caused the foregoing (1) Notice Of Motion Of The Kristen-Straxton Group For Consolidation Of All Related Cases, Appointment Of Lead Plaintiff And Approval Of The Selection Of Lead Counsel; (2) the Memorandum Of Law In Support Of The Motion Of The Kristen-Straxton Group For Consolidation Of All Related Cases, Appointment Of Lead Plaintiff And Approval Of The Selection Of Lead Counsel; (3) the Declaration Of Elizabeth A. Schmid Esq. In Support Of The Motion Of The Kristen-Straxton Group For Consolidation Of All Related Cases, Appointment Of Lead Plaintiff And Approval Of The Selection Of Lead Counsel and exhibits thereto; and (4) the [Proposed] Order Consolidating All Related Actions,

Appointing Lead Plaintiff And Approving The Selection Of Lead Counsel, to be filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure and/or the Southern District of New York Local Rules, Southern District of New York Electronic Service upon the following counsel for the following parties and participants:

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